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General of the State of New Jersey, and the Superintendent of
the New Jersey Division of State Police, Defendants

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ASSOCIATION of NEW JERSEY RIFLE AND : UNITED STATES DISTRICT
PISTOL CLUBS, INC., a New Jersey Not : COURT FOR THE DISTRICT
for Profit Corporation; SCOTT L. BACH; : OF NEW JERSEY
KAARE A. JOHNSON; VINCENT FURIO; :
STEVEN YAGIELLO and BOB'S LITTLE SPORT :
SHOP, INC., a New Jersey Corporation, : VICINAGE OF TRENTON

Plaintiffs, :
v. : Honorable Joel A.
Pisano, U.S.D.J.

CHRISTOPHER J. CHRISTIE, Governor of :
the State of New Jersey; PAULA T. DOW, : CIVIL ACTION No. 10-cv-
Attorney General of the State of New : 271-JAP-TJB
Jersey; COLONEL RICK FUENTES, :
Superintendent, Division of New Jersey : L.Civ.R. 7.1(d)(4)
State Police; WASHINGTON TOWNSHIP : Statement that No Brief
(Morris County); CITY OF HACKENSACK; : in Support of the
LITTLE EGG HARBOR TOWNSHIP and XYZ : Accompanying Motion is
MUNICIPALITIES 1-563; : Necessary and the Reasons
Defendants. : Therefor

Pursuant to L.Civ.R. 7.1(d)(4), CHRISTOPHER J. CHRISTIE,
Governor of the State of New Jersey; PAULA T. DOW, Attorney General
of the State of New Jersey; and COLONEL RICK FUENTES,
Superintendent, Division of New Jersey State Police; all defendants
in the above-captioned matter, state that no brief is necessary in

support of the accompanying motion. The reasons therefor are as follows:

1. On January 17, 2010, plaintiffs filed their original complaint in this matter. (PACER Docket No. 1).

2. On February 24, 2010, the Governor, the Attorney General, and the Superintendent of the Division of New Jersey State Police filed a Fed.R.Civ.P. 12(b)(1)/12(b)(6) Motion Seeking Dismissal of this Original Complaint. (PACER Docket No. 10).

3. On March 10, 2010, plaintiffs filed their amended complaint. (PACER Docket No. 14). The amended complaint joins plaintiffs Vincent Furio and Steven Yagiello; substitutes the City of Hackensack and Little Egg Harbor Township for two of the 565 fictitious municipal defendants (the amended complaint now has 563 fictitious municipal defendants); and effects a Fed.R.Civ.P. 25(d) substitution of newly-elected Governor Christie for former defendant Governor Corzine and newly-appointed Attorney General Dow for former defendant Attorney General Milgram. Substantively, however, the new plaintiffs allege the same causes of action as the causes of action in the original complaint, and the allegations against the State defendants (Christie, Dow, and Superintendent Fuentes, who was also a defendant in the original complaint) remain the same. For the Court's convenience, the comparison chart appended to this Statement shows how the paragraphs of the original complaint compare with the paragraphs of the amended complaint.

4. On March 22, 2010, plaintiffs filed their brief in opposition (PACER Docket No. 22) to the State defendants' pending Fed.R.Civ.P. 12(b)(1)/12(b)(6) Motion Seeking Dismissal of this Original Complaint. Plaintiffs' March 22, 2010, brief responds to the State defendants' motion-to-dismiss brief as though plaintiffs' amended complaint were the same as the original complaint and as though the amended complaint were the complaint at issue.

5. On April 6, 2010, the State defendants did or will file their Reply Brief in Further Support of Their Motion Seeking Dismissal. That reply brief states on pages 1 and 2:

Plaintiffs' March 22, 2010, brief responds to the State defendants' February 24, 2010, motion-to-dismiss brief as though plaintiffs' amended complaint were the same as the original complaint. Because the original and amended complaints are substantively the same insofar as the State defendants are concerned,

the State defendants have no objection to this procedure, so long as this Court does not object, and this reply brief assumes that the amended complaint is at issue.

6. Because, substantively, the amended complaint makes the same allegations against the State defendants as the allegations made in the original complaint, and because papers filed by both the plaintiffs and the State defendants assume that the amended complaint is at issue in the pending motion to dismiss (PACER Docket No. 10), this Court should grant the instant motion, should afford leave to the State defendants to rely upon their pending Fed.R.Civ.P. 12(b)(1)/12(b)(6) Motion Seeking Dismissal of the Original Complaint (PACER Docket No. 10) as their responsive pleading in lieu of answer to plaintiffs' amended complaint, and should direct that the State defendants' pending Fed.R.Civ.P. 12(b)(1)/12(b)(6) Motion Seeking Dismissal of the Original Complaint (PACER Docket No. 10) be deemed a Fed.R.Civ.P. 12(b)(1)/12(b)(6) Motion Seeking Dismissal of Plaintiffs' Amended Complaint.

Respectfully submitted,

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR THE STATE DEFENDANTS

BY: /s/ Larry R. Etzweiler
Larry R. Etzweiler
Senior Deputy Attorney General

Dated: April 6, 2010

COMPARISON CHART SHOWING HOW THE PARAGRAPHS OF THE ORIGINAL COMPLAINT COMPARE WITH THE PARAGRAPHS OF THE AMENDED COMPLAINT

Amended Complaint	Corresponding Paragraphs in the Original Complaint	Comments
Introduction		
¶¶ 1 to 4	¶¶ 1 to 4	same
Parties		
¶¶ 5 TO 7	¶¶ 5 TO 7	same
¶ 8		new ; joins plaintiff Furio
¶ 9		new ; joins plaintiff Yagiello
¶¶ 10 to 17	¶¶ 8 to 13	substantially same, with substitution of new Governor and new Attorney General
Jurisdiction and Venue		
¶¶ 18 to 19	¶¶ 14 to 15	same
Pre-Existing Laws Governing Purchase of a Handgun in New Jersey		
¶¶ 20 to 32	¶¶ 16 to 28	same
The One Gun Law		
¶¶ 33 to 39	¶¶ 29 to 35	same, except former Governor Corzine is referred to as "then Governor Corzine"
Under New Jersey Law, Traditional B-B, Pellet and Air Pistols Are Included in the Definition of Handguns		
¶¶ 40 to 42	¶¶ 36 to 38	same
Count One (Injunctive Relief - 42 <u>U.S.C.</u> §1983; N.J.S. 10:6-2; Preemption - 15 <u>U.S.C.</u> §5001(g)(ii))		
¶¶ 43 to 49	¶¶ 39 to 45	same

COMPARISON CHART (continued)

Amended Complaint	Corresponding Paragraphs in the Original Complaint	Comments
¶¶ 50 to 51		new paragraphs making allegations on behalf of the newly joined plaintiffs
¶¶ 52 to 54	¶¶ 46 to 48	substantially same, with substitution of new Governor and new Attorney General, and joinder of new plaintiffs
Count Two (Declaratory Relief - 28 <u>U.S.C.</u> §§2201 and 2201; Preemption - 15 <u>U.S.C.</u> §5001(g)(ii))		
¶¶ 55 to 56	¶¶ 49 to 50	same
Count Three (Injunctive Relief - 42 <u>U.S.C.</u> §1983; N.J.S. 10:6-2; United States Constitution - Amendment XIV)		
¶¶ 57 to 61	¶¶ 51 to 55	same
¶¶ 62 to 63		new paragraphs making allegations on behalf of the newly joined plaintiffs
¶¶ 64 to 67	¶¶ 56 to 59	same
Count Four (Declaratory Relief - 28 <u>U.S.C.</u> §§2201 and 2202; United States Constitution - Amendment XIV)		
¶¶ 68 to 69	¶¶ 60 to 61	same
Count Five (Injunctive Relief - N.J.S. 10:6-2; New Jersey Constitution Article 1, ¶1 - Due Process)		
¶¶ 70 to 71	¶¶ 62 to 63	same
Count Six (Declaratory Relief - 28 <u>U.S.C.</u> §§2201 and 2202; New Jersey Constitution Article 1, ¶1 - Due Process)		
¶¶ 72 to 73	¶¶ 64 to 65	same

COMPARISON CHART (continued)

Amended Complaint	Corresponding Paragraphs in the Original Complaint	Comments
Count Seven (Injunctive Relief - N.J.S. 10:6-2; N.J.A.C. 13:54-1.4(h))		
¶¶ 74 to 79	¶¶ 66 to 71	same
¶ 80		new; this paragraphs admits the mootness of one of the complaints of original plaintiff Johnson
¶¶ 81 to 91		new paragraphs making allegations on behalf of the newly joined plaintiffs
¶¶ 92 to 95	¶¶ 72 to 75	same
Count Eight (Declaratory Relief - 28 <u>U.S.C.</u> §§2201 and 2202; N.J.A.C. 13:54-1.4(h))		
¶¶ 96 to 97	¶¶ 75 to 76	same
Wherefore Clauses		
¶¶ A to F	¶¶ A to F	same